Some Few

Queſtions

Concerning the

OATH

OF

ALLEGIANCE:

Propos'd by a Catholick Gentleman In a LETTER to a Perſon of Learning and Honour.

MATTH. VII. 7.

Quærite & Invenietis.

LONDON,

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THE PUBLISHER OF THIS Edition TO THE READER.

THis Oath of Allegiance (like a Deed that has run through the hands of critical Lawyers) at the first drawing seem'd very plain, but now after it has been expounded 70 years off and on, by men of great skill to find flaws, has contracted many artificial and learned obscurities. It is thought seasonable to re-publish this short and judicious Treatise for the satisfaction of such as are at present either concern'd or curious. They that knew the wise and Pious Author might justly take it ill if I who knew him not but by his Writings, should lessen his great name by a mean commendation. I conceive he chose this modest way of Queries, that some Readers might be led by insensible degrees to find that satisfaction from their own reason, which they would have thought much to be driven to by his; and the better to insinuate the principles of Loyalty into all, he seems to comply with the nice scruples of some well

minded persons about some expressions in the Oath, though he perfectly satisfies those very scruples, and knew very well that those who first rais'd these fears about the form and dress would have boggled at the substance though never so plain and naked. I shall not presume to spoil this Treatise by the least addition or alteration of mine, but shall only gather up a few straggling notes out of other Writers which were not fit for these close and pertinent Quaries, but yet may contribute something to the satisfaction of less material, but not less common objections.

The attempt that provok't King James *to make this Oath is too well known, and there was never any thing so much the disgrace of Religion, or so heartily to be abhor'd by all good Catholics, except it were the principles which encourage and justifie such undertakings. This merciful Prince not willing the innocent should share the severity due to the guilty, publisht this Oath (as he himself in his Book writ about it tells us)* to make a separation between Catholics of a peacable disposition, and in all other things good Subjects, and such Catholics as maintain the rebellious principles of the powder Traytors. *And farther assures us that he hindred the Parliament from inserting into the Oath*, a renunciation of the Popes power to excommunicate him: *so careful he was not to meddle with any part of our Religion, but meerly to remove these doctrines inconsistent with Civil Government. You will find in these* Quæries *what entertainment this Oath found at* Rome, *and in* Preston's *answers what an ill reputation it had here, and how it improv'd in Heresie, till every Clause of it contain'd one at least. But when these principles had produc'd in* France *such dreadful consequences, and those had deserv'd the severe censures that are printed, and many others, and the four principal Jesuits in* Paris, Armandas, Cotton, Fronto, *and* Syrmond were enjoyn'd by the Parliament, to take order that their General at *Rome* should renew a prohibition to any of the Society to teach and publish the like doctrines, and themselves were commanded to preach a contrary doctrine. And all this under the penalty of being proceeded against as Traytors, *It was then time to quit the pretence of Faith for these doctrines; but yet still some kept possession*

poſſeſſion of them under the title of probability. This was all the claim Cardinal Peron *offer'd in defence of that vehement Oration about this matter. Where he ſaies that even Cardinal* Bellarmin *himſelf did not propoſe that doctrine of the Indirect Power,* comme doctrine de Foy, *as an article of Faith,* & dont il faille tenir l'un ou l'autre party ſous pein d'Excommunication & d'Anatheme, *as if either part were to be held under pain of Excommunication. Now how weak ſoever this tenure of* probabilities *may ſeem to thoſe who know many opinions paſs for probable that are evidently falſe; yet it afforded the foundation to the moſt excellent invention of thoſe, who profeſs that they dare not renounce the Popes power, becauſe 'tis* probable *it may be* de Fide, *yet they will promiſe never to obey it becauſe 'tis but* probable *that it is ſo. That ſubtlety was beyond the reach of* Suarez: *for he maintains ſtoutly,* Defenſ. *Lib.*6. *c.*3. That denying obedience and not denying the power are inconſiſtent. *And* Bellarmin *ſaies, The third Clauſe of this Oath that denies Obedience is grounded on the firſt that renounces the Power. So that had this complemental, civil, probable Obedienee been but as practicable, as the diſtinction was curious, the Author of it had deſerv'd a title beyond* Magiſter orbis. *But theſe* Quæries *have ſufficiently laid open this evaſion, and no Prince was ever yet perſwaded that ſuch a cobweb as this (WILL NOT) ſhould hold thoſe probabliſts for any time, that are able to break through the ſtrongeſt nets that can be fram'd with either CANNOT, or SHALL NOT.*

But 'twas impoſſible now any longer to defend theſe Opinions that had been ſo ſeverely cenſur'd and prohibited abroad, and ſo ſmartly refuted by Catholic Writers at home. Thereupon it was agreed that this Oath did not contain any ſuch dangerous poyſon but that it might ſafely have been taken, if it had been well prepar'd: but that there were pretended ſome offenſive though unneceſſary phraſes in it that ſpoil'd the whole. Now theſe little piques and nice exceptions were as ſufficient for the purpoſe as all the Hereſies that were ſo plainly diſcoverable in this Oath. For they kept moſt Catholics from taking it, and the party concern'd from the odium of holding the dangerous opinions.

Moſt of theſe are now vaniſht, and the only one that remains conſiderable is the word Hæretical. *Though there be enough ſaid in theſe Quæries to ſatisfie any man that has not been very induſtrious to keep himſelf and others diſſatisfied: yet I will add two or three Obſervations that may contribute towards the removal of prejudices from ſuch as do not reſolve out of intereſt to retain them. The Poſition is*, That ſuch as are Excommunicated or depriv'd by the Pope may be depos'd or murthered by their Subjects. *This they pretend to deteſt and abhor, and give it any hard names but* Heretical. *Some reply, this deteſtation is all the Oath requires, and that we do not ſwear that Poſition is, or that we believe it is,* Heretical, *but that we abhor it as impious and* Heretical.

Since we are got now to the term of Art, and all the ſtreſs lies upon a word of Eccleſiaſtical or Theological uſe, we muſt look to pay their own rates for it: and it amounts to this, that nothing is ſtrictly and properly Heretical, *that is not ſo determin'd by a general Councel. But let us enquire, and get it as reaſonably as we can.*

How ſhall we be aſſur'd that this is the proper notion of the word Heretical. *It cannot be pretended of Faith, neither do they offer any evident reaſon for it. Is nothing properly* Heretical *till it be determined in a general Councel? or does not the Church know its Faith before a Councel meets? Was it not* Heretical *to deny the moſt ſacred articles of our Faith before the Councel of* Nice? *What is known to be revealed and ſo received by the Church is of Faith whether a Councel has determined it or not: and what is contrary to that receiv'd Faith is* Heretical. *Some of the moſt unqueſtionable Articles of our Faith, and the moſt indiſpenſable commands of God may not have been determined in Councels, becauſe they have been ſo evidently the Faith of the Church that they have not been call'd in queſtion:* viz. Non occides, non furtum facies. *What Councel has determin'd that 'tis* Heretical *to affirm* Murther *or* Theft *lawful? or if any has, did not the Faithful believe it before? and yet it were an odder medium to prove theſe Doctrines not of Faith, for this reaſon, that the whole Church has alwaies receiv'd them, and no Heretic has been condemn'd for*

denying

denying them. As if we should doubt the integrity of a person, and think his Oath not to be taken in a Court, because he had never been accused of Perjury and acquitted himself before a public Tribunal.

To assert then, that 'tis lawful to commit Murther *or* Theft, *whether a Councel has determin'd so or not, is* Heretical: *because 'tis against the Law of God, and the known Faith of the Church. And are Kings excepted out of this command, though depriv'd and Excommunicated? I am confident they will not be very desirous of this priviledge of having their throats cut. It is not expected that particulars should be expos'd, but the universal precept is presum'd to contain them, if the exception be not of Faith, or at least evidently prov'd by reason. (Otherwise the command,* non occides, *forbids not the Murther of any particular man) Now either of these proofs are so far from being pretended (for this exception) that all confess 'tis not of Faith, nor certainly true; nay they that make this objection, and seem most civil to this doctrine offer to renounce it as* impious *and* damnable. *'Tis* Heretical *therefore to teach 'tis lawful to Murther; and to murther Kings, and Excommunicated and depriv'd are not excepted; (for 'tis impious doctrine to except them according to our adversaries confession) and if they be not excepted they are certainly included.*

I find the third Remonstrance deliver'd to the Lord Lieutenant of Ireland *by the* Irish Jesuits, *saies in the last Clause:* We detest from our hearts this impious doctrine which avoweth that any Subject can kill his anointed King, though of a different Religion, and we abhor the damnable practise of that wicked assertion. *And I hope they mean,* notwithstanding Excommunication or Deprivation, *for they promise so in the body of their Address. After so good an example there will not be much scruple at* impious *and* damnable. *But I cannot well understand how they come to be assur'd of this* impiety *and* damnation, *unless they take this killing of Kings to be prohibited by the general Precept and Commandement of God, and constant doctrine of the Church; and I believe that to teach that 'tis lawful*

Hist. and Vin. of the Ir. *Rem. Tr.* 1. *part.* 1. *pag.* 86.

to break the Commandements is Heretical. *However by this censure of these Fathers we shall gain this point*, viz. *that we cannot be apprehended to reflect either upon our spiritual Superiours, or Ancestors (who have held or promoted this doctrine) by our calling it* Heretical, *any more than they do, by avowing it* impious *and* damnable. *For if people will needs be drawing consequences from the doctrine to the person against all Logic, Manners and Charity, I do not think it will be a greater affront to infer that they that held these doctrines are* Heretics, *then that they were* damn'd *and* impious. *But 'tis well known there is more requir'd to prove any person a* Heretic, *than the holding a doctrine that is* Heretical. *Whoever has been in the Schools abroad know 'tis frequent in their Theses to call the common opinions of some other Divines* Heretical *without any breach of Charity; and they that say so are so far from thinking that the Church hath determin'd those Controversies, that they are confident she never will. Some call it* Heretical *to deny the five Propositions of* Jansenius *to be* totidem verbis *in that Author; others talk loud of a new* Heresie *of the Jesuits that teaches the Pope infallible in matters of fact. They both know these points were never condemn'd in general Councils, and shall we use these words so often to do one another mischief, and never to do our selves good? Why may* Heretical *be taken sometimes in a more loose, but here must be taken in the most strict sense? 'Tis against the opinion of all that write of these Subjects.* Suarez *in his fourth Book* De Leg. *saies*, Benigna & favorabilis interpretatio semper præferenda est, præsertim si materia Legis sit pœnalis & odiosa; *and another Axiom which the same Author as well as others, is,* Quod si vox aliqua plures habet significationes proprias & usitatas, illa eligenda est quæ menti & intentioni Legislatoris est magis accommodata. *Since then the most favourable sense, and the most according to the mind of them that made the Oath is to be thought the true sense according to these Maxims: Why do we in such a penal case, take* the most strict, and the most different, from the sense of the Law-giver?

L. 6. de Leg. c. 1.

But

But if Reason will not do, let us see what presidents we have: Mr. Fossart *of the Hermitage of* Caen *in the year* 1661, *in his publick Acts advanced this Proposition,* That the Pope has power to depose Kings, *though he made this modest interpretation, that* he meant Tyrants. *By a Decree of the whole Faculty of that University, both his Thesis and Exposition ran the same fate, and were deeply condemn'd, and he himself censur'd by the Prasidial Court after imprisonment,* to acknowledge that the said Propolition was false, contrary to the Word of God, and to the holy Decrees of Councels, *&c. Here a less Doctrine then ours is voted contrary to the Councels, and Word of God. A good fair beginning.*

In this Treatise you will meet with two censures of the Faculty of Paris, *one pass'd in the year* 1413, *the other* 1610, *where this very word* Heretical *is us'd about these Doctrines. And in the year* 1408, *there was a Doctrinal censure against the like Doctrine, and confirm'd by the Councel of* Constance, *which was order'd in the year* 1614 *to be renew'd, and to be every year on a certain day read in the Schools of the Jesuits, and of the four mendicant Orders. And sure these Divines thought that Councel against these practices.*

D'Avila, *esteem'd a faithful Historian, in the* 14th. *Book of his Civil Wars, when he speaks of the Decrees of Parliament, register'd against the Jesuits upon their banishment, after the furious attempt of* Jehan Chastel *upon* Henry *the* 4th. *has these words:* To this Decree of the Parliament, the Divines of the City of *Paris* met together in Cardinal *Condy's* House, added a Declaration, whereby they determin'd, that the Doctrine which taught to kill Princes was heretical, prodigious, and diabolical, and gave charge to all men of Religious Orders, to acknowledge King *Henry* the 4th. their lawful Prince and King. *And yet this King was at that very time excommunicated, depriv'd, and declar'd an Apostate and Persecuter of the holy Church, as may be seen in the same Author. It was time to be severe to a Doctrine, from which some of that Nation had nibbly drawn most bloudy consequences, which had dispatch'd them a King already, and now attempted his Successor. If neither these*

Reasons

Reaſons nor the Examples of others will prevail, ſome will be apt to ſuſpect that we have not ſufficient unkindneſs for this Poſition, which we refuſe to treat with ſo ſevere reproaches as are given it in other Nations.

Many pretend both heartily to deteſt theſe Doctrines, and be well enough reconcil'd to the harſh expreſſions, and have nothing left but this Objection, viz. *that we ſhall gain nothing by this profeſſion; but after we have made a difference amongſt our ſelves, we ſhall all be equally expos'd to the ſame ſeverities. This ſeems no very generous reply, when the credit of our Religion lyes at ſtake, from which we endeavour to remove prejudices in other points, without any pretence to gain a worldly intereſt. And though, I hope, our late loyal actions, and ſincerity, and quiet correſpondence with our Neighbours, has in part worn out theſe ſcandalous imputations, yet ſince all the diſloyalty that ever has been charg'd upon Catholicks, has come from ſuch as own'd theſe principles, let us give all the ſatisfaction that can be deſir'd, that theſe principles have no influence over us. The Apoſtles commanded and perform'd obedience to the moſt tyrannical Governours, not for fear but conſcience, and though they gained nothing by that hearty profeſſion, yet the primitive Chriſtians and Fathers through all tyrannies and perſecutions follow'd their example. They were ſo far from abſolving Subjects from their obedience to good Princes, that they reſtrained them from defending themſelves againſt the moſt tyrannical; and though they had power and ſtrength enough to reſiſt moſt violences, they* rather choſe to be kill'd then kill: Tertul. *Apol.* *and though they gained no preſent eaſe, yet, I am very confident, this peaceable Doctrine and converſation did more win the minds of the people, then any claim of abſolute ſoveraignty and dominion over the whole world could have done. Let us follow their example, and neither permit any temporal fears to make us deny our duty to our ſpiritual Superiors, nor any ſpiritual hopes or fears to make us diſſemble our Allegeance to our temporal Governors. Let us ſo far manifeſt our title to indulgence, as to make appear, that* we hold no opinions that are apt to diſturb the peace of the Kingdom. *Let us reſolve with the bleſſed Apoſtle,* If the will of God be that

we

we ſuffer, we ſuffer for well-doing, and not as Malefactors.

What the meaning is of making differences I do not apprehend. For ſince all agree theſe doctrines are not of Faith, and 'tis no great news for thoſe of the ſame Communion to differ in opinions, I ſee no harm if we believe that to be falſe which they hold but probable, that is, may be falſe for any thing they know. Much leſs can there be any fear of diviſion with thoſe who are only troubled with the incommodious phraſes, if we both agree that the doctrine of killing Kings is impious and damnable, contrary to the Word of God, and decrees of Councels, I hope we ſhall not fall out about the propriety of a word which is ſo frequently uſed by themſelves in the ſenſe we take it in. They that will divide and flie aſunder upon ſuch tender touches, cannot be kept long together.

The cenſure of the Univerſity of Paris, *here printed, ſaies this depoſing doctrine* opens a gap to Schiſm, retards the converſion of Infidels, renders odious the Papal dignity, &c. *Why ſhould the renouncing ſuch doctrines as open a gap to Schiſm endanger diviſions among us? For my part I fear, if we cannot agree but on ſuch articles and conditions, our agreement will be looked upon like a combination or conſpiracy rather than that unity of Chriſtians which ſhould be in the bond of peace.*

THE

THE AUTHOR TO THE READER.

A Thouſand to one now you'l be inquiring, who is the Author? Pardon me, if I frankly anſwer, what need you care? Judge of the Veniſon, and never trouble your ſelf with asking whence it comes. 'Tis a ſhort Book, though a long Letter; and when you have perus'd a period or two, if you like it, you may read on; if not, lay it down, and betake your ſelf to ſome better buſineſs: only oblige me with this favour, if you allow not what I have done; teach me what I ſhould have done. This is my caſe.

Methought I ſaw the truth hang clearly on my ſide, while I conſider'd only the weights which each hand laid in the ballance; but the Number of thoſe who ſtrove by plain force to pull down the Other, a little mov'd, I confeſs, and ſhak'd my Scale: yet I eaſily recover'd my former ſteddineſs, when I reflected on the Moment one ſolid Reaſon has, compar'd to a multitude even of the graveſt Opiners: But then they ſhrewdly heav'd at me again; Why ſhould not the Many be preſum'd to have Reaſon, as well as the few? againſt which, thus much, at leaſt, I had to ſay, and perhaps ſomewhat more to think; That ſince either too ſtrong an Intereſt, or too

weak a Courage, or too ſlight an Examination, may juſtly be ſuſpected as the general cauſe of ſpreading that Opinion, I hop'd my inferiourneſs in number would not be able to work me any great prejudice with thoſe who fairly compar'd my advantages in other reſpects; eſpecially if we remember the diligences perpetually us'd for improvement of Eccleſiaſtical Prerogatives; by advancing ſtill favourable Tenets, and prohibiting the contrary: while the good Lay-Princes ſeldome provide ſo carefully for themſelves; and where they do, ſuch tender Doctrines grow very ſlowly, and if they chance to take a little, yet for want of depth, ſoon wither away.

Nor is my Party ſo few as not to be conſiderable: If three or four Doctors, nay perhaps One, who has well ſtudied the Point, can make an Opinion ſafe; What may we ſay where a greater number of whole Univerſities engage their Judgments? Univerſities equal to the beſt in Europe, *who on purpoſe ſtudied and diſputed the Queſtion, and having ſeriouſly ponder'd both what Popes had done, and Councils had defin'd, and all kind of Authors had written, at laſt unanimouſly concluded and decreed what this following* Letter *intends to repreſent.*

When I was thus by Reaſon and Authority ſatisfied in my own mind, ſtill there remain'd a Scruple to publiſh it; for though I ſuppoſe my ſelf ſecure of a Truth, what have I to do, being a private Man, to tell it to others; eſpecially Thoſe who are infinitely more competent Judges than I? But as again I beg your Counſel, let me again tell you my condition; I obſerv'd, that moſt of the Perſons, from whom we might expect ſuch diſcourſes, were either diverted by other imployments, or for particular conſiderations unwilling to meddle with This:

On

On the other side I consider'd how excellent a Charity it were to be the occasion of setling clearly so important a Doctrine, that we might hang no longer between Heaven and Earth, God *and* Cæsar, *sustain'd only by the slippery running knot of* Probability, *which will be fast or loose, as the Casuist pleases, especially if the Writers endeavours should be blest with so happy success, as to give the least contribution towards the attainment of a more condescending form of Oath; wherein the* manner *of expression being a little chang'd, every Syllable of the* Substance *might entirely be retain'd; many of the better-temper'd Refusers being observ'd to scruple more at some* Phrase *than at* any Thing *in the Oath.*

This strongly carried me to wish the Work done; but my own unqualifiedness extreamly discourag'd me from doing it: At last, seeing my Independence on any (as to particular expectations) was a Circumstance very suitable to such an undertaking, and in very few to be found, my thoughts weary of strugling one with another, sat down and rested, upon this Conclusion, That to propose my Sense by way of Quæries *could not be esteem'd presumptuous, since every fool has wit enough to ask Questions, and I have left for others, the Wise mans part, to answer them.*

THE OATH OF Allegiance.

I A. B. Do truly and sincerely Acknowledge, Profess, Testifie, and Declare in my Conscience, before God, and the World, That our Soveraign Lord King CHARLES is lawful and rightful King of this Realm, and of all other his Majesties Dominions and Countries; And that the Pope, neither of himself, nor by any Authority of the Church or See of Rome, or by any other means, with any other, hath any Power or Authority to depose the King, or to dispose of any of his Majesties Kingdoms or Dominions, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give licence or leave to any of them to bear Arms, raise Tumults, or to offer any violence or hurt to his Majesties Person, State, or Government, or to any of his Majesties Subjects, within his Majesties Dominions.

Also

Also I do Swear from my heart, that notwithstanding any Declaration, or sentence of Excommunication, or Deprivation made or granted, or to be made or granted, by the Pope, or his Successors, or by any Authority derived, or pretended to be derived from him, or his See, against the said King, his Heirs, or Successors, or any Absolution of the said Subjects from their Obedience, I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoever, which shall be made against his, or their Persons, their Crown, and Dignity, by reason or colour of any such Sentence, or Declaration, or otherwise; And will do my best endeavour to disclose, and make known unto his Majesty, his Heirs and Successors, all Treasons, and Traiterous Conspiracies, which I shall know or hear of, to be against him, or any of them.

And I do further swear, that I do from my heart abhor, detest, and abjure, as Impious and Heretical, this damnable Doctrine, and Position; That Princes which be Excommunicated, or Deprived by the Pope, may be deposed, or murthered by their Subjects, or any other whatsoever.

And I do believe, and in my Conscience am resolved, that neither the Pope, nor any Person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully ministred unto

unto me, and do renounce all Pardons and Dispensations to the contrary. And all these things I do plainly and sincerely Acknowledge and Swear, according to these express words by me spoken, and according to the plain, and common Sense, and understanding of the same words, without any Equivocation, or Mental Evasion, or secret Reservation whatsoever.

And I do make this Recognition, and Acknowledgment, heartily, willingly, and truly, upon the true Faith of a Christian.

So help me God.

THE

SIR,

AS your Civility has taught me, I may have any thing of you for asking, so my own Experience teaches me, nothing is more easy then to ask; Unless, it be, to doubt, or to be ignorant; two qualities so common, and so little implying any conceit of sufficiency in their Owner, that I hope you will neither accuse me of Presumption, while I only seek what I profess not to know; nor of imprudence, while I seek where I know I am most like to find. Your piercing Eye has both read what others say, and penetrated what they maintain; Your generous mind neither hopes nor fears can corrupt; and, if they could, your happy Condition secures you from both: To you therefore I confidently come, and without any farther Compliments, which you are too wise to expect, and I too uncourtly to give, I humbly desire your free and speedy judgment, in these few seasonable and Important *Questions*.

Some say the Pope, by direct and immediate sentence, can depose Princes; Others, he can only Excommunicate directly, and depose by Consequence. Some say, he can depose only Princes Subject to the Church; Others, Infidels too. Some say, he has power to do this only in order to Spirituals; Others, absolutely without that Restriction. Some say, the crime must be Heresy, or Apostacy; Others extend his Jurisdiction to more, and even all Cases. And there are who say, He cannot depose at all, neither any of these ways, nor for any of these Persons, nor for any of these Causes.

In favour of which last Position (not to speak of particular Authors) 'twas my fortune lately to meet with a Censure of the *Faculty* of *Paris*, and some publick and solemn Decrees made by that, and divers other Universities of *France*; Of which, the better to entitle my self to beg your Judgment, I here send you a short Extract; On purpose omitting the French King and Parliaments Prohibition and Arrests, as Lay-arguments, of little, and perhaps too little weight, with some that dispute this point.

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A *Decree* of the Univerſity of *Paris*, made by the Rector, Deans, Proctors, and Batchelers of the ſaid Univerſity, in a General Aſſembly had on the 20*th.* of *April* 1626. at the *Maturins.*

IT *having been repreſented by the Rector, that the ſacred Faculty of* Theology, *moved as well by their ardent zeal and fidelity towards the Church, his moſt Chriſtian Majeſty, and his Kingdoms; as alſo by the true and perfect love which they bear to Right and Juſtice, and following therein the illuſtrious Examples left by their Predeceſſors in like Caſes, upon mature Examination of a certain Latin book, entituled,* A Treatiſe of Hereſy, Schiſm, Apoſtacy, &c. and of the Popes power in order to the puniſhment of thoſe Crimes, *Printed at* Rome, 1625. *had in the* 30. *and* 31. *Chapters of Hereſy, found theſe Propoſitions;* That the Pope may with temporal puniſhments chaſtiſe Kings and Princes, depoſe, and deprive them of their Eſtates and Kingdoms, for the Crime of Hereſy, and exempt their Subjects from the obedience due to them; and that this cuſtome has been alwaies practic'd in the Church, &c. *and thereupon had by a publick, juſt, and legal Sentence, on the* 4th. *of* April, *Cenſured theſe Propoſitions of that pernicious book, and condemned the Doctrine therein contain'd, as* New, Falſe, Erroneous, contrary to the Word of God, rendring odious the Papal Dignity, opening a gap to Schiſm, derogative to the Soveraign Authority of Kings, which depends on God alone, retarding the Converſion of Infidels, and heretical Princes, diſturbing the publick Peace, tending to the ruine of Kingdoms, and Republicks, diverting Subjects from the obedience due to their Soveraigns, and precipitating them into Faction, Rebellion, Sedition, and even to commit Parricides on the ſacred Perſons of their Princes.

The Rector, Deans, Proctors, Batchelers, and whole Univerſity have made this Decree; That the ſacred Faculty

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of Theology *ought highly to be commended, for having given a judgment so Pious, so Religious, so Wholesome, against so wicked and dangerous a Doctrine: For having so opportunely held forth to the whole Church, but especially to all* France, *the clear light of Antient and Orthodox Doctrine: For having so gloriously follow'd the Illustrious generosity of their Predecessors, and performed a task, not only becoming their particular Profession to defend the truth, but deserving the Imitation even of the whole University it self.*

And to obstruct altogether the very entrance of this new and pernicious Doctrine, and cause all those who now are, or hereafter shall be members of this University, or merit promotion to any Degree therein, to remember for ever to form and regulate their Opinions according to the judgment pronounced by that sacred Faculty, and keep at utmost distance from the Doctrine so justly prescrib'd, and that every one in particular may fly, detest, and abhor it, and as well in publick, as private, Combate, Confute, and Convince its falsity: They do decree, that in the next solemn Procession, as also annually in the Assembly for the Procession general, immediately after opening the Schools in the month of October, *this Censure shall publickly be read by the Proctor of the University (the first business nothing to intervene) and recorded in the Registers of each Faculty, and Nation; and that two Copies hereof, written and signed by the hand of the Clerk of the sacred Faculty of* Theology, *shall be kept in the Common Records of the University, and the like number be sent as soon as may be to all Superiours of Colledges, and Houses, to the end all possible care and diligence be us'd to secure all those who frequent, or reside in the said Colledges, from the corruption and poyson of this pernicious Doctrine; and that they never give way that any Person whatsoever presume to say or do any thing contrary to what has so wisely been determined and ordain'd by that sacred Faculty.*

If any Doctor, Professor, Master of Arts, or Scholar resist and disobey, or go about in any sort by word or writing, on any cause or pretence whatsoever, to offer at the least attempt, or make the least opposition against this so laudable and legal a Censure, let him for a note of Infamy and Ignominy be expel'd and

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depriv'd of his Degree, Faculty, and Rank, by a ſentence that may for ever cut off all hope of admittance.

Quintaine,

Scribe of the Univerſity.

The Cenſure of the Faculty of *Sorbonne*, dated *4th. April* 1626. I omit, becauſe recited at large in this of the Univerſity.

The like Decrees on the ſame occaſion, and againſt the ſame Doctrine (That the Pope can puniſh Kings with temporal puniſhments, depoſe them and deprive them of their Kingdoms and Eſtates, &c.) were made by theſe ſeveral Univerſities following: All which have lately been printed at *Paris* in a *Collection of divers Acts, Cenſures, and Decrees as well of the Univerſity, as of the Faculty of* Theology *of* Paris.

By the Univerſity of *Caen*, aſſembled in the Convent of S. *Francis*, 7. *May* 1626.

By the Univerſity of *Rheims*, the four Faculties being aſſembled in the Chappel of S. *Patrice*, 18. *May* 1626.

By the Univerſity of *Tholouze*, the Rector and Profeſſors of all the Faculties being aſſembled in S. *Thomas*'s School at the *Dominicans*, 23. *May* 1626.

By the Univerſity of *Poitiers*, aſſembled at the *Dominicans*, 26. *June* 1626.

By the Univerſity of *Valence*, aſſembled in the great Hall, 14. *July* 1626.

By the Univerſity of *Bourdeaux*, aſſembled at the *Carms*, 16. *July* 1626.

By the Univerſity of *Bourges*, all the Deans and Doctors Regent of all the Faculties aſſembled by the Rector, 25. *Nov.* 1626.

By all which the ſaid Doctrine was Condemn'd as *Falſe, Erroneous, Contrary to the Word of God, Pernicious, Seditious, and Deteſtable.*

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AND now, since so many, so famous Universities have unanimously, and solemnly, and deeply condemn'd this Position (That Popes can punish Princes temporally) and all this without constraint, voluntarily delivering their free judgments, unmenaced by their King, unconcern'd in self-preservation: The first Question wherein I entreat your assistance, is

I. *Why we, when our Laws so threatningly command, and our All is so nearly concern'd, may not safely and uncensurably profess as much as They?*

AND I beg of you a more satisfactory answer, than, that the Pope in prudence forbears the French, because their party is numerous, and learn'd, and united, and Persons of heart and courage; for (omitting to observe the advantage this very Objection offers, by confessing so great Authority against that pretended Power) I should easily secure my self with this reply, that were not their Case, in it self, at least tolerable, all those fair qualities could never justifie the Popes suspending to condemn them. Their Tenets then clearly are in themselves consistent with Faith and Catholick Communion; and 'tis a Consideration meerly prudential, whether such proceedings ought to be Censur'd or no; which naturally leads me to my second *Question*.

II. *If there be reasons enough to turn the Eye of Authority quite away from seeing what whole Universities so openly avow in the face of the world: are there not enow to Connive at us, who are but a few, and act privately, and not without the excusing plea of extream necessity?*

HEre, Your first thoughts perhaps may offer you this distinction, That in *England* 'tis requir'd to renounce the Doctrine as *Impious* and *Heretical*, while

the *French* condemn it only as *False*, *Erroneous*, *Contrary to the Word of God*, *Pernicious*, *Seditious*, *and Deteſtable*. But I appeal to your ſecond thoughts, and ask,

III. *Are thoſe two words*, Impious and Heretical, *ſo vaſtly different in their true and natural ſenſe from the other half dozen*, False, Erroneous, Contrary to the Word of God, Pernicious, Seditious, Deteſtable, *that all theſe ſix may voluntarily be affirm'd; and both thoſe, or at leaſt, one of them, whatever ruine attends, muſt neceſſarily be deny'd?*

IF we be oblig'd, as ſure we are, to anſwer in the ſenſe of our Propoſers, and they mean no more by *Heretical* (as the very Principles of their Religion, beſides other Arguments, ſufficiently aſſure us) than *Erroneous, and Contrary to the Word of God*; I hope this third *Queſtion* will prove no invincible difficulty: For, is not what's Contrary to the Word of God, Contrary to Faith; and what's Contrary to Faith, Heretical? Eſpecially ſince among our ſelves we muſt find a larger ſenſe for *Heretical*, than that which ſeverely meaſures its conceiv'd ſtricteſt notion; We muſt find a ſenſe wherein the Opinion of *Antipodes* was antiently Heretical, and the Turning of the Earth, or at leaſt the Standing of the Sun is ſo now; one of which the *Qualificatori* at *Rome*, in order to *Galileo*'s Condemnation, Cenſur'd as Abſurd, False, &c. the Other, as formally Heretical: We muſt find a ſenſe that may juſtifie not only our diſputing Schoolmen, who often on ſlighter grounds, cry out *Hereſy* one againſt another; but the publick Cenſors of Books, and Qualifiers of Opinions, who every day reject many Doctrines as Heretical, without intending to divide Communion from the Maintainers: Nay, we muſt find a ſenſe that may agree with the words of the Pope himſelf,

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in his Prohibitive *Brief* of this very Oath, which he sayes, *contains many things contrary to Faith and Salvation*; and what can we imagin should be those *Many*, if the denial of his Prince-deposing power be not counted for One? yet possibly neither It, nor any of these I have mention'd are, in precise scolastic rigor, Heretical: but Use and Custome being the Rule of Speech, I cannot see it reasonable, why we alone in so Important an Occasion, should be denyed that latitude of sense, which we know is so frequently, and so justifiably allow'd to all the world.

To reconcile more clearly this difference, I conceive the common Distinction of *Material* and *Formal* Heresy very usefull: According to the first sense, whatever is now Heretical, alwayes was so in its inward nature; the Decision of the Church operating only by way of Declaration of the formerly believ'd Truth, and Extension of the Obligation to new Subjects, adding perhaps expres Menaces of *Anathema*, *&c.* to obstinate Dissenters, which every one is justly presum'd to be, that submits not to the known determination of the Universal Church.

In the second sense many Tenets are not yet Heretical, which may in time become so: Even this intollerably false and flattering Position, That the Pope is *direct* Universal King over all the World, is not yet (the Church not using to interpose Her Authority, till the Decision be necessary) condemn'd as Heretical: though certainly, none that pretend to the least degree of true Loyalty, but are ready to abjure so damnable a Doctrine, as worse than Impious, worse than Heretical. 'Tis evidently therefore enough to verifie my forswearing such an errour as Heretical, if in it self it be notably mischievous without expecting till the Church can meet, and solemnly pass Her Canonical Sentence upon it.

Though this Example of so many Universities be sufficient to decide the Question, in that they renounc'd this pretended Power; and more than sufficient, to justifie us, in that they did it freely: Yet to propose an Instance agreeing, even in the point of fear too, with ours;

I shall not forbear to say there was a numerous and considerable Party in *France* (no less than the whole Body of the *Jesuites*) whose Judgment was known to differ from That of the Universities as much as Any, and more than most of Ours here, yet rather than expose themselves to Inconveniencies, and their Interests to Danger; they publickly subscrib'd the *Sorbonne* Censures; publickly condemn'd this King-dethroning Power, as False, Erroneous, contrary to the Word of God, Pernicious, Seditious, and Detestable.

How this so solemn Subscription, against what themselves had formerly held either as *altogether*, or at least as *almost* an Article of Faith, was understood at *Rome*, I know not: that it was actually done in *France*, I am confident will not be deny'd: that it was commanded, we need no other Evidence than the Arrest it self of the Parliament of *Paris*, dated 17. *Mar.* 1626. wherein 'tis Order'd, *That the Priests and Scholars of* Clermont, *and of the other two Houses which the Jesuits have in* Paris, *should within three daies subscribe the Censure made by the Faculty of* Sorbonne: *and within two months procure Testimonials of the like Subscription from every Provincial, and Rector, and from six of the Antients of every Colledge of their Society in* France.

Nor can it be said, this Subscription relates only in general to *Santarellus*'s Book, since it particularly approves the whole Censure of *Sorbonne*; whereof one and the first branch is directly, and in most expres terms, against the Popes *Power to punish Kings Temporally, to Depose, &c.* If this be true, of which I know not the least reason to doubt,

IV. *Why is it not Lawful for English Catholicks to be Loyal to their Prince, as far as the French to Theirs? Why is it not tolerable in Lay men here to disavow, what the strictest Religions there openly condemn? Strictest, I mean, in maintaining,*

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and extending the Popes Prerogatives, and ſo moſt pertinent to our Queſtion: Shall Humane Motives be allow'd their place with Them who renounce the World, and not with thoſe who live in it?

IF any ſhall here pretend to diſtinguiſh between a ſimple Subſcription, which only was requir'd of the *French* Jeſuites, and a down right Oath, which is exacted of us; I cannot think but they proceed with too much ſcruple; ſince certainly no ſincere and generous honeſty will ſolemnly and deliberately atteſt under his hand, what he will not in due circumſtances ſwear to be true: and indeed, for Religious Perſons, who actually ſtill reflect on the preſence of God, what difference can there be, between calling Him in a form of words to witneſs what they ſay, eſpecially with ſuch Solemnity and Deliberation; and believing him continually in their hearts to witneſs not only what they ſay, but what they think?

And now where I demanded a reaſon, why ſo circumſpect and wiſe a Body ſhould act ſo differently in the ſame cauſe but different Countries; I could only return this conjectural Anſwer; that being wary and prudent perſons, they could not but ſee the Concerns they hazarded in *France* by refuſing to Subſcribe, far more important, than what they ventur'd at *Rome* by Subſcribing: whereas in *England*, all they can forfeit by declining the *Oath of Allegiance* (being themſelves but few, and without the Engagements of Colledges and Foundations) is perhaps of leſs eſteem with them, than the intereſt of their Univerſal Body at *Rome*, whence ſo many advantages are continually deriv'd to the reſt of their Society.

When I have taken leave to ſuppoſe for True, That a *certain* general Rule, is to be obſerv'd, notwithſtanding an Exception that's *uncertain*; I may eaſily hope your leave to ask this fifth Queſtion;

V. *If the Precept of Obedience to Kings in Temporals be a certain Catholick Doctrine, and the Exception (unleſs the Pope depoſe) be incertain; whether the Precept does not ſtill Oblige notwithſtanding that Exception?*

AND however ſuch a power may by ſome be held ſpeculatively probable, yet, as to any Execution, 'tis practically *no Power* at all, againſt one in poſſeſſion; and conſequently may be abjur'd as *ſuch:* he that has only a ſpeculatively probable Commiſſion to take away my life, has none at all actually to *do* it: and every one will ſurely agree, that to diſpoſſeſs a King is of infinitely more miſchievous Conſequence than to kill a private Perſon: Witneſs the horrid miſeries that followed the Depoſition of *Henry* the Fourth, by *Gregory* the Seventh, the firſt Pope, and firſt Emperour that ever engag'd ſo far in that kind of quarrel; a quarrel wherein both ſides endur'd for a long time unſpeakable Calamities, both ſides ſtriving with all extremity of paſſion and fury to ruine one another.

Our Allegiance to Kings, and Their Title to our Allegiance being both, in their natures, antecedent to Baptiſm: For the relation of King and Subject is by Birth, and the quality of Chriſtian by Adoption:

VI. *How can the Superinduced ſpiritual Obligation diminiſh the Civil, when no ſuch Condition is contain'd either in Baptiſm, Catechiſm, or Articles of Faith; Eſpecially ſince we are baptiz'd into the Communion of Believers, not of Opiners?*

TIS true, both Prince and people, do by their God-fathers in Baptiſm renounce the world, the fleſh, and the devil: but neither of them make any promiſe to forfeit their

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their Crowns or Estates to the Pope, if they break their word. Nay, even Popes themselves, in the primitive times, were temporally Subject to the Heathen Emperours both before and after their Conversion: And indeed, since *the Christian Law*, by the Judgement of all, *deprives none of their Right*, if they were Subject before the Princes Conversion, they must needs continue so after.

Nor can I see (and in this every Reader is concern'd) why the Pope if once admitted to dispense with Subjects Allegiance to their Prince, may not discharge the Tenants too from paying Rents to their Landlords, and Debters from their Obligations to their Creditors, as often as He shall Judge the Interest of Religion to require it. Nay, by the same reason, driven a step or two farther; why may not every Bishop in his Diocess, and every Curate in his Parish pretend a Right, *radically* inherent in his Dignity, to dispose of all our Estates in Order to the good of our Souls; and that 'tis only either the hard-heartedness of Lay-Magistrates to hinder it from shooting forth into branches; or the Wisdom of the Supreme Spiritual Magistrate to reserve the whole fruit to Himself?

Already by my own reflexions I am fully satisfied that a Dispensation (should any such be pretended) with the *Oath* of Allegiance, would be no Dispensation with the *Duty* of Allegiance. The Duty being Antecedent to the Oath, and Independent of it, and only Confirm'd, not Created by it: and therefore as to this Point, I find no necessity of giving you any trouble.

But in the next Question I must humbly bespeak your pardon, because I fear my boldness may need it: 'Tis a Case I never have yet seen well examin'd, and therefore more doubtingly propose it.

The Gravest Assertors of the Popes indirect power to depose Princes, warily confine Him to two Cases; which they call *Heresie* and *Apostasie*: And, as by *Apostate* they must necessarily mean One that has been a Catholick, and is *quite* faln away from Christianity; So surely by

Heretick, they ſhould proportionably underſtand One that has been a Catholick, and is *in part* faln away from the Faith: This Conſideration, I confeſs, bred in me a ſcruple, I am not able, without your help to ſatisfie: How a Proteſtant Baptiz'd into the Church of *England*, ſhould be held oblig'd to the poſitive Laws of another Church; to which, neither himſelf, nor his God-fathers, promis'd any Obedience: his Baptiſm indeed confers Grace, and adopts him into the State of Salvation; but why ſhould he be counted ſubject to the Government of a Communion quite oppoſite to That into which he is Baptiz'd? does a Proteſtant commit a Mortal Sin every time he eats Fleſh on a Faſting day, or omits to hear Maſs on a Holyday, when neither Maſs, nor perhaps that Holyday is allow'd by his Church?

We know, whoever loves God above all things, is in the State of Salvation, but not of External Communion, till he actually ſubmit to it; and me thinks it ſeems obſcure, that I ſhould be interpreted to ſubmit to the Government of a Church of ſuch a Diſcipline, by my very being Baptiz'd into a Church of a contrary one.

Beſides, Followers of thoſe who began the Diviſion are not in the ſame form of Church-Condemnation with thoſe who began it; much leſs when they are born of ſuch Parents, and bred up in a Countrey where ſuch Tenets have ſo long and uncontrolledly been eſtabliſh'd, that many perhaps may hold them, without being *guilty* of holding them; Wherefore I humbly intreat your Learning to inſtruct me,

VII. *Whether You have read any Authors that expreſly ſay, a Magiſtrate ſo Circumſtantiated may be Depos'd by the Pope, eſpecially ſince I remember not one Inſtance, Ancient or Modern, of any ſuch Prince ſo treated?*

THE Examples of depoſing Princes being without any certain Rule, ſometimes by the Pope, ſometimes by the Nobility, ſometimes by the People, ſometimes

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times by an Eminent Subject, ſometimes by a powerful Stranger; And the ground pretended, being ſometimes Religion, ſometimes ſome other Cauſe; give me leave to conſult your judgement,

VIII. *Whether thoſe Examples may not all be reſolv'd, Either by the General Anſwer, that* Fact makes no Right; *Or, that they were practis'd without any ordinary and acknowledg'd Juriſdiction; but only by way of common Reaſon and natural Prudence, which teaches us in extremities to caſt about and relieve our ſelves, in the beſt and hopefulleſt way we can, according to our Circumſtances?*

FOR though by this Almighty Maxime of *Extreme and Lawleſs neceſſity*, even Popes themſelves, as well as other Governors, have ſometimes been depoſed; yet I clearly believe neither Popes, nor Councils, nor Kings, nor Nobles, nor People, nor Strangers, have any Dormant Commiſſion from Heaven, that conſtitutes in any of them a Formal and Authoritative Tribunal to decide Juriſdictionally who ſhall be Pope or King.

To make this diſtinction (on which the whole controverſie chiefly depends) unmiſtakably plain and evident; let me parallel the grand Inſtances of Popes and Kings, with the little ones of private perſons: when we ſay, as I think every Chriſtian does, that 'tis Impious and Heretical to hold, One Neighbour can take away the life of another, though he never ſo much deſerve it; in Reference to what power do we ſpeak? is it not to that kind of power which is ordinarily Created by Commiſſion? can we be fairly interpreted to mean ſome odd extravagant caſe of abſolute neceſſity to defend our own lives againſt his otherwiſe unavoidable Aſſaults? So when we ſpeak of a Power and Authority to depoſe Kings, we are plainly to underſtand a Power and Authority veſted in St. *Peter* and his Succeſſors by Commiſſion from Chriſt:

This and this only, I conceive, is the Authority we are commanded to abjure; and unleſs ſuch a Divine Commiſſion be ſhewn, I cannot ſee why to aſſert ſuch a power in the Pope is not Impious and Heretical, as much and far more than the inſtance of private Murther: Eſpecially the *Oath* ſo particularly expreſſing its chief intent to be the excluſion of the Popes pretences, and prevention of the miſchiefs naturally apprehended from the Supreme and all-Commanding Juriſdiction of a Foreiner.

Having perus'd ſome Authors who confidently ſay, never any Orthodox Divine maintain'd this tranſcendent power in the Pope, nor ever any ſuch practices appear'd for above a thouſand years after Chriſt; though the Chriſtians long before that time had both ſtrength enough to do it, if they had had a Will; and Zeal enough to have will'd it, if they had thought it lawful: I cannot but ſuſpect this Doctrine of Novelty, till you be pleas'd to inform me,

IX. *What Eminent Writers there are, in the firſt thouſand years after Chriſt, who expreſly hold this Tenet of the Popes Authority to Depoſe Princes?*

THis I am apt to conceive ſo much the more improbable to be found; becauſe neither *S. Tho.* nor *Card. Bellarmine* cite any ancienter Authors than *Gregory* the ſeventh, whoſe Papacy is of a younger date than that we ſpeak of: Much younger yet is the Council of *Lateran*; nor can it with the leaſt colour of truth be alleg'd for any more than a Canonical Conſtitution; and perhaps not ſo much, till the difficulties concerning it be clear'd, which I leave to the Doctors, and only contend, 'tis at beſt no more; elſe the Defenders of Papal Depoſition were bound to believe its Decree in this point as an Article of Faith, and condemn the French Univerſities as Heretical, and ſeparate from their Communion: if then it be only an Eccleſiaſtical Canon, 'tis well enough known ſuch Laws are not Obliging, but where they

they are receiv'd, and where they are received, may on just grounds be again rejected. However, even where that Canon is admitted (if any where it be) no fair Interpreter can extend it to reach so high as Soveraign Princes, to whom this respect is generally by the Canonists esteem'd due, that unless They be expressly nam'd, they are not by implication understood to be comprehended in any penal or restrictive clause, a Civility allow'd even to Cardinals, whom I cannot think any disinteressed Considerer will prefer before Kings.

As for reason, which I confess, where 'tis evident, needs no Antiquity to gain my assent; I have not met with any that bids so fair towards satisfaction, as this argument.

If the Ends be subordinate to one another, the Faculties are.

But the End of Civil Power (temporal happiness) is subordinate to the End of Spiritual Power (eternal happiness.)

Therefore the Civil Power is subordinate to the Spiritual.

Let all this be suppos'd as true (though there want not distinctions, by which some endeavour to relieve themselves in this Point too) I only enquire how this Spiritual Superiour must proceed, when the Temporal Magistrate intolerably misdemeans himself; and I think He is confin'd, as his very *Name* imports, to Spiritual punishments, as suspension from Sacraments, Excommunication, *&c.*

But that, they'l say is not sufficient, nor the Church compleatly furnish'd with means proportionate to its end, unless it can depose a Prince that deserves it. To which, I answer,

First, The argument is of so wild unlimited a Consequence, that should they instead of *Depose*, say *Kill*, or whatever other mischief they please to invent, they might in Rigor with the same Reason defend it.

Secondly, Though in some sense it be true, the Spiritual Power is furnish'd with all means necessary to its End;

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yet are we not oblig'd to ſay, it can remove all impediments, and that in what method it pleaſes; Is not the Sun compleatly endued with power to ſhine, unleſs it can level mountains, and overturn forreſts that intercept its light? or, which is nearer our Caſe, has not a King ſufficient power to govern, unleſs he can puniſh his neighbour King, nay even the Pope himſelf, and that with ſpiritual penalties? In regular and ordinary Occurrences, the regular and ordinary power both of Pope and Prince is ſufficient: in irregular and extraordinary, the very word ſignifies, they are *out of Rule*, and muſt be govern'd by occaſional reaſon, which allows both to Pope and Prince a juſt and equal title to provide, that Neither prejudice the Other; and this, without the Popes being Superiour to the Prince in Temporals, any more than the Prince is to the Pope in Spirituals; But, as abſolute Soveraigns, when there's no other remedy, may lawfully make war; ſo I conceive may theſe (each managing his proper weapon) and pretend only Reaſon, not Juriſdiction to juſtifie their proceedings.

Thirdly, I ſuſpect, this plauſible argument (the ſpiritual power is furniſh'd with all means neceſſary to its end) may ſo largely be underſtood, that it will flatly be deni'd; for, is not Execution of the Magiſtrates Commands, neceſſary to the end of Government? and is not a competent Force neceſſary to that Execution? why then did our all-foreſeeing *Saviour* not provide for this? why did he not furniſh his Supreme Lieutenant with twelve Legions of Angels, to overcome the Princes of the Earth, that will not obey his Decrees? As to this, I know no better reaſon, than that the Churches Hymn is true,

Non eripit Mortalia,
Qui Regna dat Cæleſtia.

He does not Earthly Kings deprive,
Who came the Crown of Heaven to give.

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Beſides, may we not as well ſay, the Church is furniſh'd by *Chriſt* with all Offices (at leaſt all conſiderable Ones) as with all Power neceſſary to its Government? yet every one knows neither Patriarks, Primates, nor Arch-Biſhops are of divine Inſtitution, however their very being ſo canonically eſtabliſh'd in the Church, ſufficiently declares their uſefulneſs and neceſſity; and their being no otherwiſe eſtabliſh'd, ſufficiently convinces the weakneſs of the argument I am endeavouring to diſable.

If my expectations happen to fail in all theſe Queſtions, permit me yet to offer this ſhort Conſideration. The Poſition we are commanded to renounce as *Impious*, and *Heretical*, is this,

> *Princes, who are Excommunicated, or Depriv'd by the Pope, may be depos'd or murther'd by their Subjects, or any other whatſoever.*

Since 'tis clear, that where the *Subject* of a Propoſition is in the disjunctive, unleſs the *Predicate* be verefiable of both Members, the whole Propoſition may abſolutely be deni'd; it plainly follows, if to ſay a Prince Excommunicated only (not depriv'd) may be depos'd by his Subjects, be Impious and Heretical, at leaſt in the large and uſual ſenſe of that word, that the whole Propoſition is ſafely abjurable, as Impious and Heretical. In which diſcourſe, this only ſeems to need proof, that 'tis Heretical to ſay, a Prince Excommunicated may be depos'd by his Subjects. And firſt, I hope, it will quickly appear to be *Falſe*, by the very definition of *Excommunication*; Excommunication being *a Church-Cenſure, that ſeparates from the Eccleſiaſtical Communion of the Faithful.* And though by a general rule we are commanded to avoid all Hereticks, and Excommunicated Perſons, yet (beſides that, of it ſelf it reaches only to ſpiritual things, unleſs the Civil Law extend it farther) the Canoniſts give many exceptions, one is (which nearlieſt concerns our Caſe) that of Relation; ſhall Husbands and Wives, Parents and Children, Maſters and Ser-

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Servants, be bound in case of Excommunication to abandon one another? what Confusion would so rash a Doctrine bring into the world? and is it not far worse, if Subjects shall think it lawful to forsake their King, nay unlawful not to forsake him?

Thus I conceive 'tis evidently False; and if once admitted for *such*, its own weight will soon sink it down into Impious. And what is Impious, especially drawing after it such mischievous effects, will easily be prov'd against the very Essence of the Christian Law, and by Consequence intrinsecally Heretical. If yet you think, this opinion not so *highly* censurable, I beseech you inform me,

X. *Whether any of these Positions deserve the Condemnation of Heretical? That the Pope has a* direct *Dominion, both in Spirituals and Temporals, over all the World: Or that He can deprive Kings of their lives, and pass sentence of death against them: Or against the lives or goods of any other Person? that is, whether He can make it lawful to do those Acts, which, were they not Authoriz'd by him, would be plain Murther, Theft, or Rebellion.*

ALL these, every one I meet is ready to cry out on, as *Impious*, *Heretical*, and what you will; And is the Deposing a King a slighter work, than the Sequestring a private Gentleman? Or has he a weaker Title to his Crown, than a Merchant to his Shop? Either I am deceiv'd by some Equivocation, which I intreat you to discover, or else the Question I propose is as clear as the Sun at Noon.

'Tis true some Cases are mixt, but then me thinks it is not so hard a task to give each Authority its due; Can we not easily discern, what belongs to Marriage as

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a Sacrament, from what belongs to it, as a Civil Contract? Or distinguish between the Churches power to make a Bastard incapable of Orders, and that of the Common-wealth, to make him incapable of Inheriting? Nor has the Question any greater difficulty, when the Tribunals *Successively* assist one another, as when the Ecclesiastics, having proceeded to the utmost of their Jurisdiction, deliver the Criminal to the Lay Court, there to receive such further punishment, as his Crime deserves, which they could not have needed, had their own power reach'd so far, nor would they have practis'd, had they not needed it.

To conclude this point, with some Authority as well as Reason: I have read, that not only the Position of killing Kings was condemn'd as *Impious*, *Heretical*, and *Damnable*, by 141 Divines of the *Faculty* of Paris, in the year 1413. But since, in the year 1610. the same *Faculty* Decreed, *That it was Seditious, Impious, and Heretical, for any Subject, Vassal, or Stranger, on what occasion or pretence soever*, Sacris Regum personis vim inferre, *to offer violence to the sacred persons of Kings*. Behold the very word *Heretical*, directly and formally applyed to a Position that in substance exceeds not Ours, unless we imagine a King so tame, that we may Depose him without offering him any Violence: or find some witty Casuist, who has invented a new way of creeping out of the words (no matter for the plain and honest sense) and by his grave Opinion, secure our Consciences, that though it be Impious indeed and Heretical, to offer any force to the sacred Persons of Kings, yet to intercept their meat till they be starv'd to death (as 'tis said of one of the Kings of *Denmark*) is absolutely lawful, as being an *omitted Case*, and so not at all forbidden.

Observing that in this whole Controversy, the main Bulwark wherein the Defenders of the Popes Prerogative in Temporals, fortifie themselves, and think to pacify the Civil Powers, is a certain famous distinction, whose plain and literal sense I understand well enough, but can-

not find in it, if impartially examin'd, a title to make so great an Impression as is pretended; I humbly intreat your quick and strong Eye, to look a little seriously into the Question, and teach me,

IX. *What difference there is, as to any real effect in Government, between acknowledging a direct immediate Power in the Pope to Depose Princes, or only an indirect and mediate One?*

IS it not almost all one in it self, and altogether all one in mischief, whether my eyes be beaten out with a direct stroke of a Tennis-Ball, or by *Bricol*? Are not our Laws still equally Penal both to direct and indirect Offenders? will any of us allow a slandering tongue (than which nothing is more frequent, or more intolerable) to Calumniate freely, on condition his poysonous darts come only *glancing*, and not be level'd point blank against us?

Here they perhaps will say, I mistake the Case; For, were only the *Exercise* of this Power mediate and indirect, they would confess my similitudes had something of Argument, but the very *Power* it self, say they, is in its *Intrinsick nature* no more than mediate and indirect, which widens much the sides of the distinction, nor do any of my Interrogations offer to confute it.

When I have first declar'd, I intend not to meddle with such slender Entityes as *Relations* metaphysically consider'd; I shall betake my thoughts to what I conceive more pertinent to our purpose, the *Moral* Notion; and enquire what influence on humane actions a direct Power gives its Possessor, more than an indirect? If they answer, by the one he can punish his Inferiours, as he pleases, by the other not: I reply, That is the notion of an absolute and perfectly arbitrary Government, not precisely of a direct Power, which not only may sometimes be limited, but almost always is; has not the Emperour a direct

direct Authority over the Germain Electors? Is not the Pope direct Superiour of the Christian Bishops? yet which of them can, either One or the Other, deprive or punish at his meer pleasure? If they say, 'tis a Power as strongly Commanding as the direct, but is not in the same line, the Spiritual being of a quite different Order from the Temporal; I confess these are pretty terms to entertain subtile heads, and amuze simple ones; but to a down-right prudent Examiner, I believe they'l prove of very little serious Signification, nay though the Causes be contrary to one another, if they produce the same effect, they make with me the same argument. Naturalists say, that Cold immediately condenses by directly crushing the Body it incloses: whereas Heat first extenuates, and then draws away the subtiliz'd parts, and after the grosser shrink together of themselves, and so condenses too, but mediately and indirectly; and these are words that sound well enough; but when we come to practical application, and find that too much Sun, as well as Frost, so dries and hardens the Earth, that it choaks our seed, and kills our flowers, what good does our fine distinction? what does our *Mediately* and *Indirectly* avail us?

Nor is the Effect only the same, whether the Popes power be called direct or indirect, since each way he really dethrones the Prince; but the end to both of his direct-Spiritual, and indirect-Temporal Authority is the same, since He is bound to manage the last only, *in ordine ad Spiritualia*, and the first, *ad Edificationem*; which two phrases seem to me no ill Synonima's, one of another. These are some of the reflections that have made me doubt, though there may be (and I think I see it) some Speculative difference between the two manners of Title, yet in practise very little, if any at all.

When all this is said, and far more, (which I think not uneasy to do) still there remain two grand Objections: The Supreme Pastor has engag'd his Authority; and our duty obliges us to obey His Commands: Our Predeces-

ſors have refus'd the Oath, and ſuffer'd for refuſing; and our honour is concern'd to follow their ſteps. To which, with your permiſſion, I offer this anſwer,

Since by the Popes forbearing the French we evidently ſee ſuch Prohibitions depend on particular and occaſional Conſiderations, not only lyable to be miſapprehended by others, but to be alter'd in themſelves; certainly it very ill becomes our Reverence to the Authority of the Pope, or reſpect to the Memory of our Anceſtors, to fear they would wilfully perſiſt in a diſcover'd Errour, and not change their proceedings, when they ſhould ſee the grounds on which they proceeded were chang'd.

Nor even then when the Pope's *Brief* forbad the Oath, did there want a juſt number of Catholicks, if my Books ſay true, who humbly repreſented their Motives to his Holineſs, why they doubted his Prohibition was not obliging, as being grounded on miſtaken and incertain Suppoſitions: A priviledge permitted to all, and moſt of all to Eccleſiaſtical Subjects (who are not Govern'd by the Sword, but the Paſtoral Staff) either to obey or give good reaſon why they do not: and this, without the leaſt ſuſpition of boldly examining their Superiors Commands with the Judgement of Authority, but exerciſing only, what the meaneſt Vaſſal may Loyally practiſe towards the greateſt Prince, their natural Reaſon and Judgement of Diſcretion.

And here I muſt confeſs my ſelf inclin'd to think it very probable, that the whole buſineſs was untruly repreſented to the Pope: for, can we doubt but *Card. Bellarmine* was acquainted with the Informations given to his Holineſs? or, that they Both agreed not in their ſenſe concerning our Caſe? let us then ſee what his Eminence ſays in his Letter to Mr. *Blackwell*, Arch-Prieſt of the Engliſh Clergy; where, having alledg'd that ancient Inſtance of mingling together the Images of the Emperors, and of the falſe Gods, to entangle the Chriſtians with this *Dilemma*, that either they muſt bow to *Jupiter*, and commit Idolatry; or not bow to *Ceſar*, and be guil-

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ty of high Treaſon, He adds, *Tale aliquid in juramento*, &c.. *Some ſuch thing me thinks I ſee in this Oath they offer you, which is ſo fraudulently contriv'd, that none can profeſs their Civil Subjection to the King and Deteſt all Treaſon againſt Him, but he muſt needs perfidiouſly Renounce the Supremacy of the See Apoſtolick.* And again, *Nam ſi rem totam*, &c. *If you will diligently examine the whole matter, you'l ſee 'tis no ſmall thing which by that Oath is brought into danger, but one of the Capital and Fundamental Points of our Faith and Catholick Religion*; And quite throughout the whole Letter, He ſtill ſuppoſes the Deſign of the Framers of this Oath, how covertly ſoever they expreſs themſelves to be; *That the Authority of Head of the Church be transferr'd (as to* England *) from the Succeſſor of St.* Peter, *to the Succeſſor of* Henry *the* 8. Which ſtill ſo much the more evidently appears, both by his Quoting Fathers upon the general head of obeying the Pope, and acknowledging his Supremacy, as alſo by his comparing Mr. *Blackwells* Sin in taking the Oath, to *Peters* denying Chriſt, and *Marcellinus*'s Sacrificing to Idols; whom at leaſt in ſome part, He ſays, the Arch-Prieſt imitated. Does this Pen run as if it were guided by a Hand well inform'd? Is it not highly probable that ſuch Informations were the grounds of the Prohibition? Is it not abſolutely certain, that ſuch grounds, being palpable miſtakes, are no way ſufficient to oblige our Obedience.

Not that we have cauſe ſo much to complain of the *Brief*, as of them whoſe Paſſionate, and perhaps Factious Zeal procur'd it: for how can the Pope be inform'd what we *Tramontani* do, but by others? and how can He Judge, but as he is inform'd? ſince ſurely we are not to expect ſuch an extraordinary aſſiſtance from Heaven to guide his Hand in writing a Letter, though *in Form of Brief*, as ſome pretend for his defining *ex Cathedrâ*. Read but the *Bulla Cœnæ*, and you'l find it no impoſſible thing for the Pope to claim more, than a good Subject, much leſs a wiſe King will give him: there he ſolemnly excommuni-

communicates all Princes, who impose on their Subjects new *Gabels* without leave of the See Apostolick: with many other unallow'd pretences. From all which we inferr these two plain truths, That the Pope may miscommand; and when he does so, be lawfully disobey'd.

But to proceed ingenuously with you, as I hope and beg you will do with me; let us fortify this Objection with the utmost skill and strength we can: This Act of Deposing Kings has not only been done by Popes, but approv'd by Councils; to whose joynt-Authority I confess a great Reverence is due, and therefore beseech you deal candidly with me (for I have not any convenience to examine the circumstances of these Histories) did they only approve the Fact; or declare the Right? if the first, I shall without staying to dispute it, suppose the thing, for that time, well done; and only enquire, in reference to what Authority 'twas done: our *Henry* the 7. we know did many Acts without declaring the Title by which he did them; and the Parliaments approbation still confirm'd them: if then they proceeded as by a Commission claim'd from Christ, and allow'd in a General Council, would not that make the Tenet an Article of Faith, and so prove too much, since among the Temperate it generally pretends no higher than an Opinion? but if they acted only by a Commission deriv'd from Necessity, which having no Law, is a Law to it self, the Consequence little concerns our Dispute; who know the *Pope* Himself has been depos'd; yet neither will He admit, nor need his Deposers pretend any Jurisdiction or Superiority over Him; 'tis enough where Necessity over-rules the Law, that Necessity Govern in its stead; which if true and real, may perhaps do much harm, but can do no injury.

As to the other Branch; if the Council interpos'd in declaring the Right, either they intended it as a Definition, and then you must say 'tis *of Faith*, which almost every one denyes: or as an Ecclesiastical Canon, and then I must say, it binds only where receiv'd, and may

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be alter'd or repeal'd like other Laws, as is already diſcours'd, when we cited the Council of *Lateran.*

However, in our particular Caſe, nothing is more eaſy than to Conquer the Objectors of the Popes Briefs with their own weapons, for let them tell me, are they not ready to ſwear they will faithfully ſerve their King while they live, and that *notwithſtanding any Papal Diſpenſation, or whatever other Proceeding to the contrary*? what ſignifies this, but an expreſs renouncing all obedience to the Pope in theſe points? True ſay they, we renounce obedience, but not the acknowledgment of his Power; we will adhere to the King, though the Pope ſhould Depoſe him; but will not ſay, he cannot Depoſe him. What wiſe and real difference (as to Government, and the practical part of humane life) can we imagine between theſe two; *I'le ſwear never to obey my Commander*, and *I'le ſwear he has no Power to Command me*? Speak plain and honeſtly, and either deny his Authority, or obey it; this motley Hypocriſy will, I fear, offend both Pope and King, and while you diſclaim your obedience to the One, and the Authority of the Other, Neither will confide in you, Change but the Perſon, and think, what a holy religious man he would be, that ſhould ſolemnly vow never to obey his Superiour, how loud ſoever he preach'd his Authority; think what a flat contradiction it is, of two Relatives, to kill one, and keep the other alive; think what an uncharitable madneſs it is, that the whole body of Catholicks be expos'd to ruine, and the whole Credit of their Religion be buried in that ruine, rather than diſavow an Authority, which we are ready to ſwear we will never obey.

But to diſpatch this chief Objection with a ſhorter word, and that ſtill taken out of their own mouths; The Pope they ſay has commanded we ſhould refuſe this Oath, but do they not too, with the ſame breath ſay, they will abſolutely forſwear obeying his Commands, if they be not preſt to renounce his Power? and what do we more than diſobey him, if notwithſtanding his Prohibition

tion we accept of the Oath? we meddle not vvith his Authority, vve only (as they profeſs themſelves ready to do) deny our Obedience; is it not as lawful for us, when the King commands, to admit this Oath againſt the Popes will, as for them to ſwear they'l obey the King, let the Pope command what he will?

As for our Anceſtors, had they ſeen the Unanimous Judgment of ſo many Univerſities, and the publick Subſcriptions of ſo many eminent Regulars, particularly noted for great enlargers of the Popes power: had they examin'd the ſenſe of Antiquity towards Soveraign Princes, vvhich acknowledges them Supreme in Temporals, and accountable to none but God; had they read the learned Treatiſes compos'd by Catholick writers, both of our own and other Nations, where this King-dethroning power is abſolutely diſavow'd; had they perus'd the Declarations of the Kings in *France*, and Arreſts of Parliaments there, by which the Authors who dar'd to aſſert that Opinion were Condemn'd, and their Books burnt by the hand of the Hangman; had they done all, or any notable part of this, they could not certainly but have chang'd their judgments, and no longer, both againſt Reaſon, Authority, and their own Intereſt, have wilfully adhered to a Tenet ſo ill grounded, and a practice ſo ruinous.

Little of all this I fear did many of our Anceſtors reflect on, but guiding their Conſciences by their Ghoſtly Fathers, and their practice by their Conſciences, chooſe that ſide of the Opinion, which any one might then have refus'd without Hereſy, and any one may now without ſcandal, without ſcandal I mean as to a bare Opinion conſider'd in its naked ſelf, not as it unhappily is dreſt up in the Oath, where ſome expreſſions, at firſt ſight, ſhew ſo odly, that a little prejudice or unacquaintedneſs makes many a vvell meaner boggle at them; And here again I heartily renew the wiſh I have already made, that a general form of Oath, were ſo Charitably and Condeſcendingly fram'd, as might fully ſecure to our moſt gra-

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cious Soveraign the Allegiance of All, and not trouble with ſcruples the leſs inſtructed Conſcience of any.

But to diſpatch this Objection: If to take the Oath we diſcourſe of be truly juſtifiable, why may not we do what we think lawful now, becauſe our Predeceſſors did not what they thought unlawful heretofore? their Refuſal was Innocent and Laudable, ſince they follow'd ſincerely the dictates of their Conſciences; yet Ours will be *neither*, unleſs we do ſo too; nay the very reaſon that made them decline the Oath, *their being ſo perſwaded*, engages us to take it, if we be *otherwiſe* perſwaded; for, as in this all the world agrees, that an erroneous Conſcience, till the miſtake be remov'd, undoubtedly obliges; ſo none will deny, but, the Truth once clear'd, the Obligation ceaſes: If ſuch then be the Caſe between our Predeceſſors and Us, we may fairly be abſolv'd from following them, or rather truly be ſaid to follow them, while we all aim at the ſame end (the Conſcionable performance of what we believe our Duty) though we ſeem to go thither by different ways: None but eternal truths can exact an unchangeable adherence; none but they can deſerve it.

And now I have only one Queſtion more to propoſe,

XII. *How do the Clergy, the Religious, and the Wiſer ſort of the Laity in other Countries behave themſelves, when the Pope makes War, or any other way Contends with their Soveraign Princes or States?*

FOr even in *Italy*, I ſee moſt of them generally, and all of them ſometimes, diſobey the Pope, and cleave to their Country; nay thoſe very Religious who have formerly ventur'd All by a particular Obedience to his Holineſs, are noted of late to be grown more temperate: I have read, if I miſremember not, in an Italian Author this Story, That the Pope making War ſome few years ſince, with the Duke of *Parma*, and proceed-

ing against him to the extremity of Ecclesiastical Censures, occasion'd the Duke to advise with his Council, how he should bear himself towards the Church-men that liv'd in his Subjection; where after some debate, 'twas at length concluded, that fit persons should immediately be deputed to demand of every Order both Secular and Regular, which party they intended to follow? onely to one sort of Regulars it was expresly forbidden to make any such Address, lest their extraordinary obsequiousness to the Pope might engage them otherwise than the Duke desir'd, and the example of their Non-conformity breed a prejudice to his affairs: But they, wisely examining the Consequences of so new a Distinction, and the Necessity of preventing so dangerous a jealousy, did of themselves, without expecting any Summons, wait upon their Prince, and voluntarily presented Him their Humble Protestations of Fidelity and Obedience: an action, which, I am apt to believe was not a little contributive to their late Restitution in the wary State of *Venice*. In fine, every sort of Ecclesiasticks, as well the uninvited, as the invited came in, and profest their firm and positive resolution to obey the Commands of his Highness, notwithstanding the Interdict of his Holyness.

And yet (to abstract from the Justice of the Quarrel, which was perhaps on the Popes side) the Duke is not only a Feudatary of the Church, but his estate was at first deriv'd to him from the Pope; and is to return again in default of Issue male, which makes a fair difference betwixt Him and the Case of an Absolute King.

But to look nearer home; what did we our selves not many years since in our own Country? did not almost all the Ecclesiasticks, and a number of the Nobility and Gentry, sufficient to represent the whole little Body of Catholicks here, after full deliberation unanimously subscribe their *Negative* to these three *Articles*?

I. *That the Pope or Church hath power to absolve any person or persons from their Obedience to the Civil and Politi-*

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cal Government eſtabliſh'd or to be eſtabliſhed in this Nation, in Civil and Political affairs.

II. *That by the Command or Diſpenſation of the Pope or Church, it is lawful to kill, deſtroy; or do any injury to any Perſon or Perſons living within the Kings Dominions, becauſe that ſuch a Perſon or Perſons are Accuſed, Condemned, Cenſured, or Excommunicated for Error, Schiſm, or Hereſy.*

III. *That it is lawful in it ſelf, or by Diſpenſation from the Pope, to break Promiſe or Oath, made to any of the foreſaid Perſons, under pretence that they are Hereticks.*

These, I am ſorry I muſt confeſs were Cenſured at *Rome*, privately indeed and without ſolemnity, as being perhaps either unwilling to come to the light, or unable to bear it; whatever was the motive, I cannot omit to make this Reflection upon ſo unequal a proceeding towards the proſperous *French*, and the afflicted *Engliſh*; what either of injurious or untrue, do any of theſe three Propoſitions contain, that is not both more largely, and more ſmartly expreſt in the Decrees of *Sorbonne*, and the reſt of the Univerſities cited at the beginning of this Letter? if they be free, why are not we? if we be condemn'd, why are not they?

At leaſt, this Roman Cenſure of the Engliſh Subſcription, wants not ſome good effect, ſince it has abſolutely clear'd the chief remaining Objection; which elſe, if captiouſly manag'd, might perhaps have given us ſome trouble to maintain our parallel with the French, for, till then, it had been no great piece of invention, to pretend that the Popes prohibitive Brief was applyable only to the whole Oath in groſs, and ſo might conſiſt well enough with the diſclaim of His indirect Authority over Kings: But now I ſee, 'tis not the Form, 'tis not an inconvenient Phraſe or two (the greateſt ſcruple of ſome ſerious Perſons among us here) but the very Subſtance

of the Oath, the growing denyal of the Popes power to Depose Princes, is the chief, if not the only Scandal that's offensive there.

Nor is this kind of disobedience to the Popes Commands only in some Cases practis'd, but by the Common Maxime of the Canonists, and of Reason too, constantly maintain'd, both which step in to our relief in such extremities, and say, where any notable mischief is like to follow, we are not oblig'd to obey the Pope, though he command under pain of Excommunication, *ipso facto*. This is the common Opinion of the Learned; but, because 'tis too the common scruple of the unlearned, I shall cite some few Authorities transcrib'd out of books where I find them collected, having my self neither skill nor delight in such kind of Studies; Of these I conceive two or three, in a point so evident, abundantly sufficient; One is of Pope *Innocent* 3. thus cited by *Franc. Zabarel de schism. Papæ non est obediendum*, &c. *We are not to obey the Pope when there is a vehement presumption that the state of the Church may be disturbed, or other mischiefs like to follow; Nay it were a sin to obey, because every one is bound to prevent future evils.* Conformable to this, *Sylvester* alledging *Panormitan*, says, *Verb. obedientia Num.* 5. *Nec est ei obedientium*, &c. *We are not to obey the Pope, if our obedience may be presumed will trouble the state of the Church, or because of any future Evil or Scandal, though the Precept were under pain of Excommunication*, Latæ sententiæ. And *Cardinal Tolet* citing the same Authors, pronounces the same truth in far more ample terms.

Do not these Authors (and none I suppose, for I have not much acquaintance with that sort of Learning, can differ from them in proper Cases) give us indeed more than we have need of? Are not the Consequences of our obeying the Pope's Letters, ruinous to our Fortunes; and which is worse, Scandalous to our Religion? shall we not strengthen the suspition of our Factiousness, and Inconsistency with Civil Government?

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ment? and can a little Credit of a few at *Rome*, counterpoise a burthen that lies so heavy on us all, in our own Country?

The Circumstances we are in, I confess, are very unhappy, when the wisest of those who should advise us, are not fully free to speak their thoughts? but by particular Concernments so tempted to comply, that nothing but a rare Sincerity and Courage can enable them to resist; a Case that needs indeed some pity, but deserves no praise: and therefore as we shall be too blame, if we Censure too readily the Effects of Frailty in Them, so will they be less Innocent, if they condemn too severely the Use of Liberty in Us. For my part, I have this to say, in proof of my own Indifferency, I am not Ambitious for preferment from Any, but humbly and heartily acknowledge my submission to every one above me; especially to the two Supreme, whom with all fidelity I am ready to obey, as my Soveraign Governors, though They never should be my particular Benefactors.

A Duty we owe to the Pope, a Duty to the King; both commanded by God, both obliging under Sin; yet both confin'd to their proper limits; Too much of the Temporal may be ascrib'd to Popes; too much of the Spiritual to King: too much may be challeng'd by Both: the difficulty is, when either exceeds, who must be Judge: if the cause be clearly Temporal, 'tis clearly the King (speaking of Common Right, not their particular Agreements) if Spiritual, the Pope; but where the Quality of the cause is invincibly doubted, (which can seldom be without a strange passion at least on one side,) I know no Judge expresly impower'd to decide so extraordinary a Question, nor can imagin any other remedy, than what true Reason, pres.'d with necessity, will extemporally dictate in such an occasion. However, thus far I plainly see, that, as sometimes a mischance may happen by the Competition of these two Authorities, so often very many and great advantages may accrue to Both, by their good correspondence, and mutual assistance.

But

But by no means can I see, were the Extent of the Popes power in Spirituals, and the Denyal of his power in Temporals well understood, what disturbance He could possibly make in this Kingdome? if he excommunicate the *Protestants* they little regard it: if the *Catholicks*, such as are rightly instructed know their Civil Obligations both to their King and Fellow-subjects, remain entirely the same after Excommunication as they were before. No Ecclesiastical Censures against a *Catholick* here altering in the least tittle his Circumstances to *Protestants*; since of its own nature, it only concerns Communication in Spirituals, wherein, before any Censure they no more Communicate together, than after: indeed among the *Catholicks* such Censure has some effect; yet of it self, only thus far can it work with them, to suspend or deprive their Communion in Holy Offices; to which, if any Temporal prejudices be annex'd (as that an Excommunicate cannot bring an Action, &c.) they wholly are deriv'd from the Civil Power, and when it sees convenient may wholy be revok'd.

As for the particular Laws of our Country, long before the unhappy dividing times of *H.* 8. our Wise, yet Pious Ancestors fail'd not to provide for the publick peace against all Forreign incroachments: prohibiting the importation of any *Bull* from *Rome* without his Majesties allowance, and impoling penalties on any that presum'd without His Royal Assent to publish them. And were things so dispos'd that the little correspondence which is necessary for Catholicks here with *Rome* were *regulated*, and not by severities endeavour'd to be *extinguished*, (which cannot be effected without extinguishing the Religion it self) I am confident no one sort of people in the whole Nation would be either more faithfully serviceable to their King, or more securely incapable of disserving their Country. Nor would this design require any more consideration than only to resolve that their Ecclesiastical Government should be no other than such as had known Rules and Limits, not Arbitrarily depending on *Rome*; And

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their Eccleſiaſtical Governours no other than ſuch as were of known Loyalty to their King, and Piety to their Countrey.

Thus Sir I have finiſh'd theſe few Queſtions; and hope by Your inſtruction to ſettle my mind: profeſſing heartily my abſolute readineſs (with the Grace of God) to govern my Underſtanding by Reaſon, and my Actions by my Underſtanding: only this ſhort Petition I Humbly add, That as your Nature is Frank and Generous, your Anſwer may be Manly and Candid, not in the way miſcall'd *Pious*, but with a ſtrict Conformity to what is true and ſolid; and however your Opinion may poſſibly in ſome things differ from mine, yet ſtill continue in all things to Command

SIR,

Your Moſt

Humble Servant

A. G.

FINIS.

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